

Air Pollution Control District Governing Board
San Diego County Air Pollution Control District
AGENDA ITEM # 03

DATE: **March 19, 2021**

TO: Air Pollution Control District Governing Board

SUBJECT:

ADOPTION OF PROCEDURES FOR THE APPOINTMENT OF PUBLIC MEMBERS TO THE AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD

REQUESTED ACTION:

Adopt Attachment A to the Interim Bylaws, entitled: “Procedures for Appointment of Governing Board Public Members.”

OVERVIEW:

In accordance with AB 423 (2019, Gloria, codified at California Health and Safety Code Section 40100.6(a)(4)), the Air Pollution Control District Governing Board (Board) will, at a future public hearing, appoint three public members to the Board – one physician or public health professional, one individual representing environmental justice interests, and one individual with a scientific or technical background in air pollution. These members are to be appointed based upon their demonstrated interest and proven ability in the field of air pollution control and their understanding of the needs of the general public in connection with the air pollution problems of the San Diego Air Basin. In consultation with outside counsel, District staff developed Attachment A of the Interim Bylaws, which contain proposed procedures for the Board’s appointment of its public members, consistent with the requirements of AB 423. District staff requests the Board’s adoption of these procedures, in anticipation of the appointment of the public members at the next regularly scheduled meeting on April 2, 2021. The availability of the public member application form (Attachment 2) was publicly noticed by the District via its public website at www.sdapcd.org, email listserv with approximately 4,500 recipients, social media platforms, and other communications with a wide range of stakeholders. Applications are due to the Clerk of the Board by March 23, 2021, in accordance with the proposed procedures.

FISCAL IMPACT:

N/A

ENVIRONMENTAL STATEMENT:

The requested action is not a project subject to the California Environmental Quality Act (“CEQA”). CEQA Guidelines Section 15378(b)(5) provides that the definition of project does not include, “Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.”

PREVIOUS RELEVANT BOARD ACTIONS:

N/A

SUBJECT: ADOPTION OF PROCEDURES FOR THE APPOINTMENT OF PUBLIC MEMBERS TO THE AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD

ADVISORY GROUP ACTIONS:

N/A

ATTACHMENT(S):

- A. San Diego County Air Pollution Control District Procedures for Appointment of Governing Board Public Members
- B. Public Member Application Form

SUBMITTED BY:

Robert Reider, Interim Air Pollution Control Officer

CONTACT PERSON(S):

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San Diego County Air Pollution Control District

Procedures for Appointment of Governing Board Public Members

- A. Notices Inviting Applications. Notices inviting applications are posted on the District's website and social media accounts. Other means of notification, including press releases and outreach to interested groups or organizations, may also be used.
- B. Applications. Persons seeking appointment to the Board must file an application, in the form and manner prescribed by the Clerk of the District's Governing Board (Clerk), or their designee. The application shall include information stating the applicant's qualifications for the public Board position(s) being sought. Applications shall be due ten (10) days prior to the Board meeting at which appointments will be considered. After the application deadline has passed, the Clerk will forward all timely received applications to the Board and include copies of the applications in the Board's agenda packet (with redactions as appropriate to protect the applicants' home address, phone number, personal e-mail address, or other exempt information under the Public Records Act).
- C. Qualifications. All public members shall reside within the boundaries of the County of San Diego and shall be appointed on the basis of their demonstrated interest and proven ability in the field of air pollution control and their understanding of the needs of the general public in connection with the air pollution problems of the San Diego Air Basin. Specific qualifications for each of the three (3) public Board members, as established by Health & Safety Code section 40100.6(a)(4)(A)–(C), are as follows:
1. One public member shall be a ***physician or public health professional*** actively practicing within the boundaries of the County of San Diego. The member's specialty shall be in the health effects of air pollution on vulnerable populations.
 2. One public member shall be a ***person representing environmental justice interests*** and who works directly with communities within the boundaries of the County of San Diego that are most significantly burdened by, and vulnerable to, high levels of pollution, including communities with diverse racial and ethnic populations and communities with low-income populations. This member may be a resident of that community and have a demonstrated record of community leadership.
 3. One public member shall be a ***person with a scientific or technical background in air pollution***, such as an environmental engineer, chemist, meteorologist, or air pollution specialist.

D. Public Hearing and Appointment.

1. Interviews of applicants will be scheduled as a public hearing held during a properly noticed and open meeting of the Board. Due to COVID-19 protocols, such meeting will take place via videoconference held in compliance with applicable waivers to the Brown Act. The Clerk, or their designee, will ask each applicant to attend the Board meeting and be prepared to make an introductory statement and answer questions from the Board.
2. After the Chair opens the public hearing, applicants will be interviewed individually in the following order: (1) applicants for the physician or public health professional member; (2) applicants for the environmental justice member; (3) applicants for the scientific or technical member. If feasible, the Chair will request the applicants' consent to be placed in a virtual "waiting room" while the Board is interviewing other applicants. (Any applicant may, however, decline this request and remain in the meeting during all interviews.)
3. Following applicant interviews, the Board will receive comments from the general public. After public comment, the public hearing will be closed.
4. The Board will then consider the appointment of each of the three (3) public Board members in the order listed above. Each appointment shall be considered separately; the Board will not vote on a slate for multiple positions in the same motion.

The floor will be opened for discussion but, before any motion is made, each Board Member will have an opportunity to state the names of up to three (3) preferred applicants whom they would like the Board to consider for appointment.

After each Board Member has had the opportunity to identify their preferred applicant(s), any Board Member may make a motion to appoint an applicant. The motion will require a second by another Board Member. Following discussion, if any, the Board will vote on the motion to appoint. The motion to appoint must be approved by a majority of the quorum.

- E. Oath of Office. Prior to conducting any business at the Board meeting at which their appointment occurs, or at a subsequent Board meeting, each newly appointed public Board member shall take and subscribe the oath of office. A ceremonial oath of office may also occur.
- F. Vacancies. If a public position remains vacant following consideration of appointments by the Board, the application period to fill the position will be automatically extended by an additional fifteen (15) days or for such other time period determined by a majority vote of the Board, and the Board may consider the appointment at an upcoming meeting. Upon the time period being extended,

the Clerk's office will receive further applications for future consideration by the Board.

(Note: Consistent with Health & Safety Code section 40100.6(a)(4), in the event of a vacancy in a public Board member position, other public Board members are not eligible to vote on the appointment to fill the vacancy; only those Board members representing the County of San Diego, City of San Diego, and other cities within San Diego County are eligible to vote on the appointment of public Board members.)



APPLICATION FOR SERVING AS A PUBLIC MEMBER ON THE SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT GOVERNING BOARD

INSTRUCTIONS: Please complete this form in its entirety. Note the additional requirements listed on the third page.

Submit the completed application and your resume to the Clerk of the Air Pollution Control District Governing Board at APCDPublicComment@sdcounty.ca.gov or, you may send your application to 10124 Old Grove Road, San Diego, CA 92131. **Applications are due no later than March 23, 2021.**

_____	_____
<i>Last Name</i>	<i>First Name</i>

The APCD Governing Board meets at times mutually satisfactory to the members. Day meetings are more common than evening meetings. Will you be able to schedule your time accordingly?

Yes No

Have you ever been affiliated with an entity that is regulated by the Air Pollution Control District?

Yes No

If yes, please list them here:

What required area of expertise are you seeking to represent on the APCD Governing Board?

Physician/Public Health Professional
 Environmental Justice Interests
 Science/Technology Background in Air Pollution

****Candidates are required to submit evidence of their qualifications by including a resume with this application and may be asked to provide additional information, as needed.***

Please summarize your experience that demonstrates your interest and proven ability in the field of air pollution control and your understanding of the needs of the general public in connection with the air pollution problems of San Diego County.

STATEMENT OF OCCUPATIONAL EXPERIENCE

<hr/>		
<i>Current Employer</i>		
<hr/>		<hr/>
<i>Job Title</i>		<i>Dates of Employment</i>

<i>Previous Employers</i>	<i>Position Title</i>	<i>Dates of Employment</i>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>
<hr/>	<hr/>	<hr/>

List past county appointments with dates served, and other past or present community or public service appointments.

<i>Committee/Organization Name</i>	<i>Dates Served</i>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>

Membership qualifications for the APCD Governing Board are as follows:

Qualifications. All public members shall reside within the boundaries of San Diego County and shall be appointed on the basis of their demonstrated interest and proven ability in the field of air pollution control and their understanding of the needs of the general public in connection with the air pollution problems of the San Diego County. Specific qualifications for each of the three (3) public Board members, as established by Health & Safety Code section 40100.6(a)(4)(A)–(C), are as follows:

1. One public member shall be a **physician or public health professional** actively practicing within the boundaries of the San Diego County. The member’s specialty shall be in the health effects of air pollution on vulnerable populations.
2. One public member shall be a **person representing environmental justice interests** and who works directly with communities within the boundaries of the San Diego County that are most significantly burdened by, and vulnerable to, high levels of pollution, including communities with diverse racial and ethnic populations and communities with low-income populations. This member may be a resident of that community and have a demonstrated record of community leadership.
3. One public member shall be a **person with a scientific or technical background in air pollution**, such as an environmental engineer, chemist, meteorologist, or air pollution specialist.

NOTE: Public members will be appointed by the San Diego County Air Pollution Control District Governing Board. Each public member will serve a four-year term and is entitled to receive compensation for participation on the Governing Board. Please review [Assembly Bill 423 \(AB 423\) SEC. 6. Section 40100.6](#) for details.

Please note that this application is a public record subject to disclosure. This application will be maintained for a period of one year.

By signing below, I declare that the information provided above is accurate and complete to the best of my knowledge.	
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<i>Applicant's Name</i>	
<hr/>	<hr/>
<i>Applicant's Signature</i>	<i>Date</i>

CONTACT INFORMATION

<hr/> <i>Last Name</i>	<hr/> <i>First Name</i>
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Note: Personal information may be withheld from public view as allowed by law.

<hr/> <i>Home Street Address</i>	<hr/> <i>City</i>	<hr/> <i>State</i>	<hr/> <i>Zip</i>
<hr/> <i>Mailing Address (if different than home address)</i>	<hr/> <i>City</i>	<hr/> <i>State</i>	<hr/> <i>Zip</i>
<hr/> <i>Business Street Address</i>	<hr/> <i>City</i>	<hr/> <i>State</i>	<hr/> <i>Zip</i>
<hr/> <i>Home Phone #</i>	<hr/> <i>Business Phone #</i>		
<hr/> <i>Mobile Phone #</i>	<hr/>		
<hr/> <i>E-Mail Address</i>			